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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,233	12/27/2004	Danilo Albonetti	39641/GM/lp	9710

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Modiano & Associati
Via Meravigli 16
Milano, 20123
ITALY

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,233	Applicant(s) ALBONETTI, DANILO	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 9-15) in the reply filed on October 10, 2007 is acknowledged. Claim 16 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed on December 27, 2004 has been received and the references listed thereon have been considered.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be **material to patentability** as defined in 37 CFR 1.56.

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Rather, the present declaration includes the recitation "material to examination" which is improper.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because of the use of "means" in lines 2 and 9. Also, in the last line, "(Figure 2)" should be deleted.

Correction is required. See MPEP § 608.01(b).

Specification

7. The disclosure is objected to because of the following informalities:

On page 3, lines 18-19, the recitation "about its own axis of symmetry S" appears to be inaccurate, particularly regarding about which axis each mandrel is rotatable; in line 30, --6-- should be inserted after "footing" for clarity.

On page 4, line 14, "extension" should be changed to --shaft-- for clarity and consistency.

On page 6, line 9, "10: the" is improper and should read --10. The-- or the like; in line 15, "vertical axis 74" is confusing and/or inaccurate, and it should be deleted and re-inserted after "wheel"; in line 23, "13" is inaccurate and should be changed to --12--.

On page 7, line 6, "13" is inaccurate and should be changed to --12--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 2, the recitation of "safety ring" is vague and indefinite as to what disclosed structure it refers; in line 4, "its" is vague and indefinite as to what it refers.

In claim 10, line 2, the recitation "multiple peripheral seats" is vague and indefinite as to what disclosed structure it refers.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Luch et al., pn 4,774,480.

Luch discloses an apparatus with every structural limitation of the claimed invention including a means for recentering the cap (e.g., the cap centering air jets in Fig. 6).

11. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by European Publication 1 243 520 (hereafter EP '520).

EP '520 discloses an apparatus with every structural limitation of the claimed invention including a means for recentering the cap (e.g., 9.1-9.6).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication 1 243 520 (hereafter EP '520).

EP '520 discloses an apparatus with every structural limitation of the claimed invention but lacks (a) the specific carousel belt drive configuration and (b) the specific recentering structure.

Regarding (a), the Examiner takes Official notice that such carousel belt drives are old and well known in the art and provide various well known benefits including a structure for efficiently driving such rotating workpiece moving devices, particularly carousels. Therefore, it would have been obvious to one having ordinary skill in the art

to provide such a carousel belt drive to gain the well known benefits including those described above.

Regarding (b), EP '520 lacks the specifics of the recentering structure, particularly the cam drive and the convex contacting surface. However, the Examiner takes Official notice that cam drives for reciprocating tools are old and well known in the art and provide various well known benefits including facilitating an efficient drive mechanism that provides a drive while minimizing or eliminating vibration caused by the stopping, starting and/or the abrupt changing of direction of machine components. Further, the Examiner takes Official notice that convex work contact surfaces are old and well known in the art and provide various well known benefits including minimal point contact with a workpiece to facilitate movement of the workpiece onto and off of (or against and away from) the support. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a recentering structure on the apparatus of EP '520 to gain the well known benefits including those described above.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
March 27, 2008